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Attorneys for Plaintiff
 VNUS Medical Technologies, Inc.

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

VNUS MEDICAL TECHNOLOGIES, INC.,	)	LEAD CASE NO. C08-03129 MMC
)	
Plaintiff,	)	CASE NO. C08-3129 MMC
)	
v.)	
	)	STIPULATION AND [PROPOSED]
BIOLITEC, INC., DORNIER MEDTECH	)	ORDER TO BIFURCATE AND STAY
AMERICA, INC., and NEW STAR LASERS,	)	THE EIGHTH THROUGH ELEVENTH
INC. d/b/a COOLTOUCH, INC.,	)	COUNTERCLAIMS OF DEFENDANT
	)	TOTAL VEIN SOLUTIONS, LLC, d/b/a/
Defendants.	)	TOTAL VEIN SYSTEMS

VNUS MEDICAL TECHNOLOGIES, INC.,	)	CASE NO. C08-04234 MMC
	)	(consolidated with C08-3129 MMC)
Plaintiff,)	
)	
v.)	
)	
TOTAL VEIN SOLUTIONS, LLC d/b/a)	
TOTAL VEIN SYSTEMS,)	
)	
Defendant.)	

1 WHEREAS, Plaintiff VNUS Medical Technologies, Inc. ("VNUS") filed a Complaint
2 against Defendant Total Vein Solutions, LLC, d/b/a Total Vein Systems ("TVS") in the above-
3 captioned action on September 8, 2008 and filed a First Amended Complaint on November 14,
4 2008;

5 WHEREAS, TVS filed an Answer and Counterclaims against VNUS in response to the
6 First Amended Complaint on December 4, 2008 and filed a First Amended Answer and
7 Counterclaims on January 7, 2009;

8 WHEREAS, VNUS's First Amended Complaint alleges that TVS has infringed the patents-
9 in-suit;

10 WHEREAS, the parties agree that significant court and party resources would be conserved
11 if discovery and trial on the issue of unenforceability is conducted prior to discovery and trial of
12 TVS's Eighth through Eleventh Counterclaims;

13 NOW THEREFORE, it is hereby stipulated and agreed by the respective parties by and
14 through their counsel of record that TVS's Eighth, Ninth, Tenth, and Eleventh Counterclaims are
15 bifurcated and stayed pending resolution of the remainder of the parties' claims and counterclaims.
16

17 Dated: January 21, 2009

Respectfully Submitted,

18 ATTORNEYS FOR PLAINTIFF
19 VNUS MEDICAL TECHNOLOGIES, INC.

20 By: s/ Diem-Suong T. Nguyen
21 Matthew B. Lehr (Bar No. 213139)
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1 Dated: January 21, 2009

ATTORNEYS FOR DEFENDANT TOTAL
VEIN SOLUTIONS, LLC d/b/a TOTAL VEIN
SYSTEMS

4 By: s/ John Karl Buche


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11 I hereby attest that I have on file written permission to sign this stipulation from all parties
12 whose signatures are indicated by a "conformed" signature (/s/) within this e-filed document.

14 s/ Diem-Suong T. Nguyen
Diem-Suong T. Nguyen

16 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

18 Dated: January 26, 2009

19 
20 MAXINE M. CHESNEY
United States District Judge